

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application 30965

Hershey Vineyards Corporation – Turnbull Wine Cellars

ORDER CANCELING WATER RIGHT APPLICATION

SOURCE: Unnamed Stream Tributary to Blossom Creek and Blossom Creek thence Napa River

COUNTY: Napa County

WHEREAS:

1. Hershey Vineyards Corporation – Turnbull Wine Cellars (Applicant) filed a water right application with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), on August 23, 1999, requesting the right to divert 49 acre feet per year for storage from an Unnamed Stream tributary to Blossom Creek and Blossom Creek thence Napa River.
2. On February 9, 2012, the Division received notice from Wagner and Bonsignore CCE, the Applicants Agent, requesting cancellation of Application 30965.
3. The State Water Board has delegated the authority to cancel applications to the Deputy Director for Water Rights (Deputy Director) pursuant to Resolution No. 2007-0057. The Deputy Director has redelegated this authority to the Assistant Deputy Director and Program Managers, pursuant to redelegation order dated October 4, 2007.

THEREFORE, IT IS ORDERED THAT APPLICATION 30965 IS HEREBY CANCELED.

Applicant shall document any diversions made under claim of right independent of a permit, license, registration or certification issued by the State Water Board, such as diversions under riparian or pre-1914 rights. With limited exceptions, Water Code section 5101 requires that a Statement of Water Diversion and Use (Statement) be filed for these diversions. Water Code section 5107 (c)(1) provides that the State Water Board may impose a civil liability of \$1,000, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the board has called the violation to the attention of that person. These penalties are in addition to any penalties that may be imposed if the diverter does not hold a valid right or diverts in excess of what is authorized under that right.

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: MJM for ABarrales/LAdler 02.14.12
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Barbara Evoy, Deputy Director
Division of Water Rights

Dated: February 24, 2012